

**PLANT PATENT APPLICATION TRANSMITTAL**  
(For new Non-provisional applications under 37 CFR 1.53(b))



Attorney Docket No.: BAL6019P1680US  
First Named Inventor: Paul A. Talmadge  
Title: Interspecific *Diascia* Plant Named 'Balwhiswhit'  
Express Mail Label No. EV360023228US

Mail Stop Patent Application  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Transmitted herewith for filing is a new plant patent application of inventor(s): **Paul A. Talmadge** and entitled: **Interspecific *Diascia* Plant Named 'Balwhiswhit'**. For purposes of publication, this patent application is assigned to: **Ball Horticultural Company**

**Application Elements:**

1. ☐ Applicant claims small entity status. See 37 CFR 1.163(b).
2. ☒ Specification containing eight (8) pages.
3. ☒ Drawings: one (1) Sheets of Color Drawing(s) (2 copies required - 37 CFR §1.165(b))
4. ☒ Oath or Declaration
  - a. ☒ An executed declaration or oath for the plant patent application including a power of attorney,
  - b. ☐ An unexecuted declaration or oath for the plant patent application including a power of attorney;
  - c. ☐ Copy from a prior application (37 CFR 1.63(d), for continuation/divisional with No. 15 completed.
    - i. ☐ Signed statement attached deleting inventor(s) named in the prior application (see 37 CFR 1.63(d)(2) and 1.33(b)).
5. ☐ Application Data Sheet.
6. ☒ Assignment Papers (cover sheet, document(s) and requisite fee).
7. ☐ 37 CFR 3.73(b) Statement (where there is an assignee)  
☐ Power of Attorney
8. ☐ English Translation document (if applicable)
9. ☐ Information Disclosure Statement (IDS), including PTO-1449  
☐ Copies of IDS Citations

10. ☐ Preliminary Amendment
11. ☒ Return Postcard for PTO Mail Room Date Stamp (should be specifically itemized).
12. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed).
13. ☐ Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
14. ☐ Other \_\_\_\_\_

NOTE: Please state the Latin name and variety denomination of the plant claimed in a separate section of the specification.

15. ☐ **If Continuing Application**, check appropriate box and supply the requisite information below and in a preliminary amendment:
- ☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No. \_\_\_\_\_, filed \_\_\_\_\_.
- Prior application information: Examiner: \_\_\_\_\_ Group/Art Unit: \_\_\_\_\_

**For CONTINUATION or DIVISIONAL Applications only:** The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 4c, is considered as being part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

#### Fee Calculation

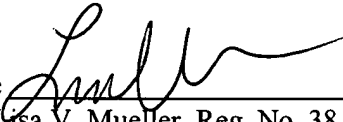
16. ☒ A check in the amount ☒ \$530.00 for a Large Entity, or ☐ \$265.00 for a Small Entity, to cover the filing fee, is enclosed.
17. ☐ Please charge my Deposit Account No. 04-1644 in the amount of \$\_\_\_\_\_.
18. ☒ The Commissioner is authorized to charge payment of the following amounts associated with this communication or credit any overpayment to Deposit Account No. 04-1644:
- ☒ Additional filing fees under 37 CFR 1.16 or deficiencies in remittances therefor.
- ☒ Additional processing fees under 37 CFR 1.17 or deficiencies in remittances therefor.
- ☐ **ONLY if applicant has partially paid** the patent issue fee under 37 C.F.R. §1.18, then the **deficiency** shall be charged to Deposit Account No. 04-1644, and the Commissioner is authorized to so charge the Deposit Account.

19. **Correspondence Address:** WOOD, PHILLIPS, KATZ, CLARK & MORTIMER  
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**Customer Number: 32116**

Date: December 12, 2003

Attorney's Signature

  
Lisa V. Mueller, Reg. No. 38,978

**CERTIFICATE OF MAILING BY EXPRESS MAIL**

I hereby certify that this Plant Patent Application Transmittal, enclosed application, and any other documents referred to as enclosed herein, are being deposited in an envelope with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and addressed to Mail Stop Patent Applications, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Express Mail Label No.: EV360023228US

Date of Deposit: December 12, 2003

Typed/Printed Name of Person Signing: Barbara Towns

Signature:

